

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

2 BRIAN J. STRETCH (CSBN 163173)
3 Chief, Criminal Division

4 SUSAN KNIGHT (CSBN 209013)
5 Assistant United States Attorney

6 REID DAVIS
Law Clerk

7 150 Almaden Blvd., Suite 900
San Jose, California 95113
8 Telephone: (408) 535-5036
FAX: (408) 535-5066
9 RMDavis@usa.doj.gov

10 Attorneys for Plaintiff

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA,) No. CR 08-00087 RS
15 Plaintiff,)
16 v.) STIPULATION AND [PROPOSED]
17 MARIA CONSUELO MACHUCA) ORDER CONTINUING HEARING DATE
18 ZUNIGA,) AND EXCLUDING TIME
19 a/k/a Maria Consuelo Gomez,)
20 Defendant.) SAN JOSE VENUE
21 _____)

22 The undersigned parties in the above-captioned case respectfully request that the status
23 hearing scheduled for March 27, 2008 to be continued to April 10, 2008. The reason for the
24 continuance is to allow the government to provide discovery to defense counsel and to afford her
25 an opportunity to review it. The parties also request an exclusion of time under the Speedy Trial
26 Act from March 27, 2008 until April 10, 2008. The undersigned parties agree and stipulate that

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1 an exclusion of time is appropriate based on the defendant's need for effective preparation of
2 counsel.

3 SO STIPULATED: JOSEPH P. RUSSONIELLO
4 United States Attorney

5 DATED: 3/25/08 /s/
6 SUSAN KNIGHT
7 Assistant United States Attorney

8 DATED: 3/25/08 /s/
9 Assistant Federal Public Defender
10 Counsel for the defendant

11 Accordingly, for good cause shown, the Court HEREBY ORDERS that the status hearing
12 scheduled for March 27, 2008 is continued to April 10, 2008 at 11:00 a.m.

13 The Court FURTHER ORDERS that time be excluded under the Speedy Trial Act from
14 March 27, 2008 to April 10, 2008. The Court finds, based on the aforementioned reasons, that
15 the ends of justice served by granting the requested continuance outweigh the best interest of the
16 public and the defendant in a speedy trial. The failure to grant the requested continuance would
17 deny defense counsel reasonable time necessary for effective preparation, taking into account the
18 exercise of due diligence, and would result in a miscarriage of justice. The Court therefore
19 concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and
20 (B)(iv).

21 SO ORDERED.

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23 DATED: _____ RICHARD SEEBORG
24 United States Magistrate Judge
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